

Notice of Review: 1 Tipperwell Way, Howgate, Penicuik

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the installation of replacement windows at 1 Tipperwell Way, Howgate, Penicuik.

2 Background

- 2.1 Planning application 22/00056/DPP for the installation of replacement windows at 1 Tipperwell Way, Howgate, Penicuik was refused planning permission on 29 March 2022; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 29 March 2022 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with agreed procedures the LRB:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
 - Have determined to progress the review of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and four representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The profile of the window frames on the replacement windows shall match the square profile of the frames of the windows which are to be replaced .
 2. The design of the bedroom window at the rear and the bedroom window at the side of the house shall incorporate a mullion.
 3. The window frames shall not protrude beyond the outer face of the mullions where present or the case frames.

Reason for conditions 1 -3: In order to reduce the visual impact of the replacement windows on the character and appearance of this part of the Howgate Conservation Area.

6 Recommendations

- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 June 2022
Report Contact: Ingrid Forteath, Planning Officer
Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 22/00056/DPP available for inspection online.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Installation of replacement windows
at 1 Tipperwell Way, Penicuik, EH26 8QP

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File No: 22/00056/DPP

Scale: 1:400





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100524256-004

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Dr"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Amy"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Fraser"/>	Address 1 (Street): *	<input type="text" value="Tipperwell Way"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Howgate"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Penicuik"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 8QP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

1 TIPPERWELL WAY

Address 2:

HOWGATE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PENICUIK

Post Code:

EH26 8QP

Please identify/describe the location of the site or sites

Northing

658131

Easting

324745

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Request to replace current timber frame windows and patio doors with upvc equivalent. Current frames are in poor condition, noting areas of rot, cracked woodwork and paint and are poorly insulated. The location of the property is exposed to the elements and condition is deteriorating quickly. The timber frames are unable to cope with the harsh weather conditions, thus the need to replace with upvc equivalent. Due to Conservation area requirements, would replace like for like.

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting document "Notice of Review Supporting Statement"

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

1. Notice of Review Supporting Statement 2. Abcell Drawings 3. Image 1 4. Image 2 5. Brochure 1 6. Brochure 2 7. Image 3 8. Edinburgh Live Article

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00056/DPP

What date was the application submitted to the planning authority? *

10/02/2022

What date was the decision issued by the planning authority? *

29/03/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection would provide the planning authority with an opportunity to understand first-hand the severity of the current condition of the existing timber frame windows located within Tipperwell Way.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Dr Amy Fraser

Declaration Date: 30/04/2022

PLANNING APPLICATION REFERENCE: 22/00056/dpp

1 Tipperwell Way Penicuik

Installation of Replacement Windows

NOTICE OF REVIEW SUPPORTING STATEMENT

Details of proposed flush sash uPVC windows

The report highlights concerns that the design of the proposed windows is not in keeping with the current timber frames; therefore I have sourced Flush sash windows that address these concerns (see Abcell Drawings, Image 1, Image 2, Brochure 1 and Brochure 2). Designed to replicate the appearance of timber, Flush sash windows are distinguished by sashes that close into the frame and finish flush with the face of the window. Flush sash windows typically have frames that appear the same width known as 'equal sightlines.' This look is achieved using dummy sashes.

The supplier confirmed that they could not show the true position of the astragal bars using their system. They have confirmed that this would be measured to the correct positions when placing the order for the windows. For the proposed windows that have two panes, the one that is fixed is a false sash to replicate the look of an opening pane. This is shown in the drawings with an X on the window. Concerns were raised in the report about the ability to replicate the slim mullion detail in uPVC. This detail is replicated in the Flush sash windows sourced (see Image 3, Brochure 1 and Brochure 2), despite not being clear in the drawings due to supplier software limitations.

Use of uPVC in Conservation areas

With regards to the use of uPVC, I reference the planning application 21/00745/DPP and the linked Edinburgh Live article (see Edinburgh Live Article) referring to a planning application for uPVC window replacement in a Conservation area in Dalkeith. In relation to this application the article quotes "Peter Arnsdorf, the council's planning boss, said that officers took the view that if they stepped back from the house and it looked the same with the different material then it was acceptable." With this in mind, we understand that the windows must look exactly like for like, and the proposed uPVC Flush Sash Windows (detailed above) fit this profile. With the quote from Peter Arnsdorf in mind, it would be unfair to reject the replacement of windows at 1 Tipperwell Way with uPVC where the design is visually exactly like for like.

Existing uPVC in Howgate conservation village

Although the report discounts uPVC windows in numbers 6, 20, 22 and 25 of Howgate village, it has also been noted that uPVC windows have been installed in the garage window of number 5 located in a prominent position on the round-a-bout in Howgate village. We understand that 1 Tipperwell Way is publicly visible, but with the flush sash casement design in uPVC that are exactly like for like there would be no negative visual impact and therefore should not be rejected.

Existing Timber frames

The soft timber window frames installed in these houses at the time of building (16 years ago) were not fit for purpose. Despite having maintained these windows, the frames are cracking and rotten. This is consistent with other properties within Tipperwell Way, such as the rear elevations of houses 1-10 and 20 and the front elevations of 15 Tipperwell Way, which are exposed with little to no protection from the severe weather elements.

Historic Environment Scotland's guidance is based on historic buildings and therefore is not directly relevant to the Tipperwell Way houses, which were built in 2006. The historic timber frames are typically made from hard timber which can last for century's, however newer timber framed windows are made from soft timber and do not have the same long term durability, especially in areas like Tipperwell Way that are so exposed to harsh weather conditions. With this in mind, it is more likely that replacement timber frames will end up in the landfill in the next 10-15 years than replacement uPVC.

TECHNICAL GUIDE

HERITAGE FLUSH SASH

HERITAGE WINDOW COLLECTION

BY DECEUNINCK

A++



Heritage flush sash looks great in any surrounding; modern townhouse or country cottage, its subtle charm and elegance transforms the building like no other.

With its flush external contours, something considered more in keeping on period

properties, satisfying the requirements of your local conservation officer just got a whole lot easier, especially when you add the all important Georgian bar for that archetypal chocolate box house you've always dreamed of.

deceuninck

Deceuninck Limited

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January 2021

Document No:
82130 – 8104
Heritage Flush Sash

Weather Performance

Internally we've adopted our tried and tested high performance multifunctional weatherseal. With a continuous seal welded at the corners, air tightness is always maintained meaning no loss of comfort inside the home.

Externally a new dual seal combination maximises water tightness and conceals hardware.

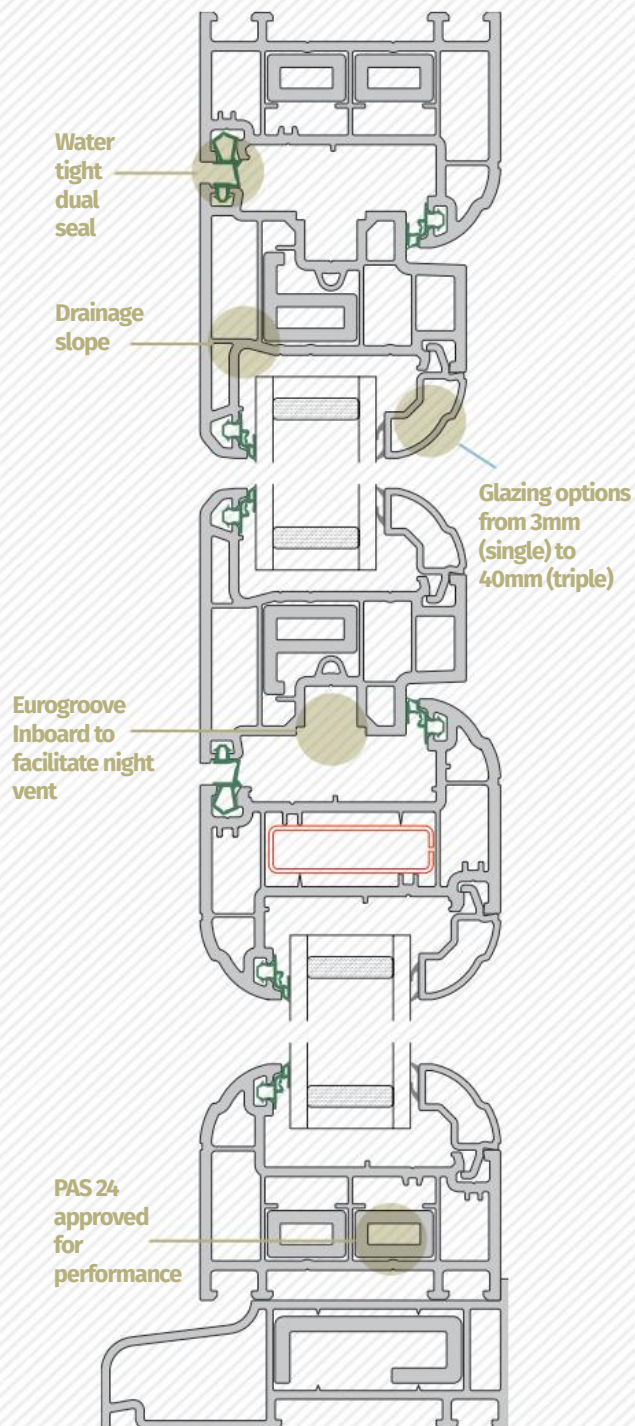
An integral drainage slope encourages water to drain away quickly and easily.

Security

The Deceuninck flush sash had the homeowner in mind during its design, so unlike others there's no compromise when it comes to things like having a night vent locking position. The bespoke locking keep also means full hardware compatibility, giving the window unrivalled security for a product of this type... achieving PAS24 just got a whole lot easier.

Insulation

With its core designed around Heritage 2800, the insulating properties of flush sash are even more impressive. A double glazed window U value of just 1.2 or noise reduction value as high as 43 dB epitomises this market-leading product.



Weather test results

		Top Hung Casement	Side Hung Casement	French Casement
	Size Tested	1.2m x 1.2m	0.7m x 1.4m	1.41m x 1.31m
Air Permeability	Class	4	4	3
	Rating	600 Pa	600 Pa	600 Pa
Water tightness	Class	E900	E900	6A
	Rating	900 Pa	900 Pa	250 Pa
Wind Resistance	Class	(TCI) A5 (steel) AE	(TCI) A5 (steel) AE	(TCI) B5
	Rating	(TCI) 1600 Pa (steel) 2400 Pa	(TCI) 1600 Pa (steel) 2400 Pa	(TCI) 2000 Pa

Applicable to mechanically joined and welded windows

U-Values

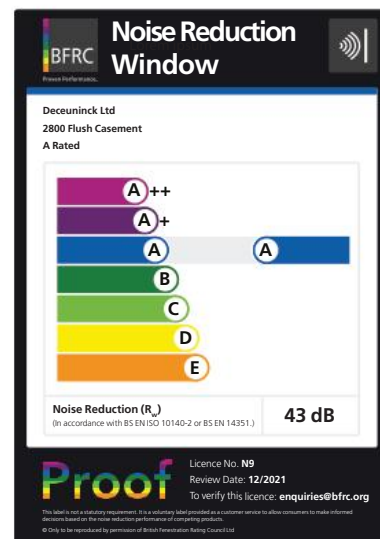
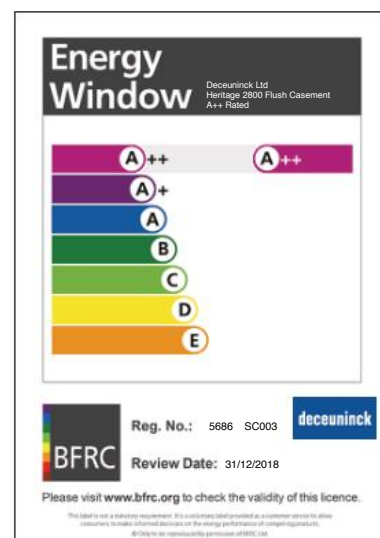
4/20/4 Argon Cavity		4/14/4/14/4 Argon Cavity	
U_g 1.219	U_g 1.070	U_g 0.683	U_g 0.591
U_w 1.4	U_w 1.2	U_w 0.94	U_w 0.90

WER's

4/20/4 Argon Cavity	4/14/4/14/4 Argon Cavity
A+ 12	A++ 23

Sound Insulation

R_w	C	C_{TR}	IGU	Interlayer
35	-1	-5	4/20/4	-
39	-2	-6	6.8/18/4	PVB
43	-2	-5	8.8/16/10	Optiphon



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January 2021

Document No:
82130 – 8104
Heritage Flush Sash



30 COLOURWAYS IN STOCK

Heritage Colour Range - Surcharge applies.

ANTHRACITE SMOOTH / HERITAGE WHITE	BLACK ASH / HERITAGE WHITE	AGATE GREY / HERITAGE WHITE	NUT TREE / WHITE PVC	NUT TREE BOTH SIDES	BLACK SMOOTH MATT / WHITE PVC
ENGLISH OAK / HERITAGE WHITE	ENGLISH OAK BOTH SIDES	HERITAGE WHITE / ENGLISH OAK	BLACK ASH / WHITE PVC	BLACK ASH BOTH SIDES	GOLDEN OAK / WHITE PVC
ICE CREAM / HERITAGE WHITE	HERITAGE WHITE BOTH SIDES	GREY ALUMINIUM / WHITE PVC	GOLDEN OAK BOTH SIDES	IRISH OAK / WHITE PVC	IRISH OAK BOTH SIDES
ANTHRACITE SMOOTH MATT / WHITE PVC	ANTHRACITE SMOOTH MATT BOTH SIDES	ANTHRACITE GRAINED / WHITE PVC	CHARTWELL GREEN / WHITE PVC	CHARTWELL GREEN BOTH SIDES	CLASSIC CREAM / WHITE PVC
ANTHRACITE GRAINED BOTH SIDES	ROSEWOOD / WHITE PVC	ROSEWOOD BOTH SIDES	CLASSIC CREAM BOTH SIDES	WHITE GRAIN / WHITE PVC	WHITE GRAIN BOTH SIDES

A unique range of woodgrain foil colours in 30 colourways in stock, complete with matching ancillaries, trims and accessories.

- Beautiful authentic 'wood like' finish
- Extremely durable
- 10 year manufacturer's guarantee
- Each colour has its own matching ancillaries, trims and accessories
- Available from stock



HERITAGE
COLOUR COLLECTION



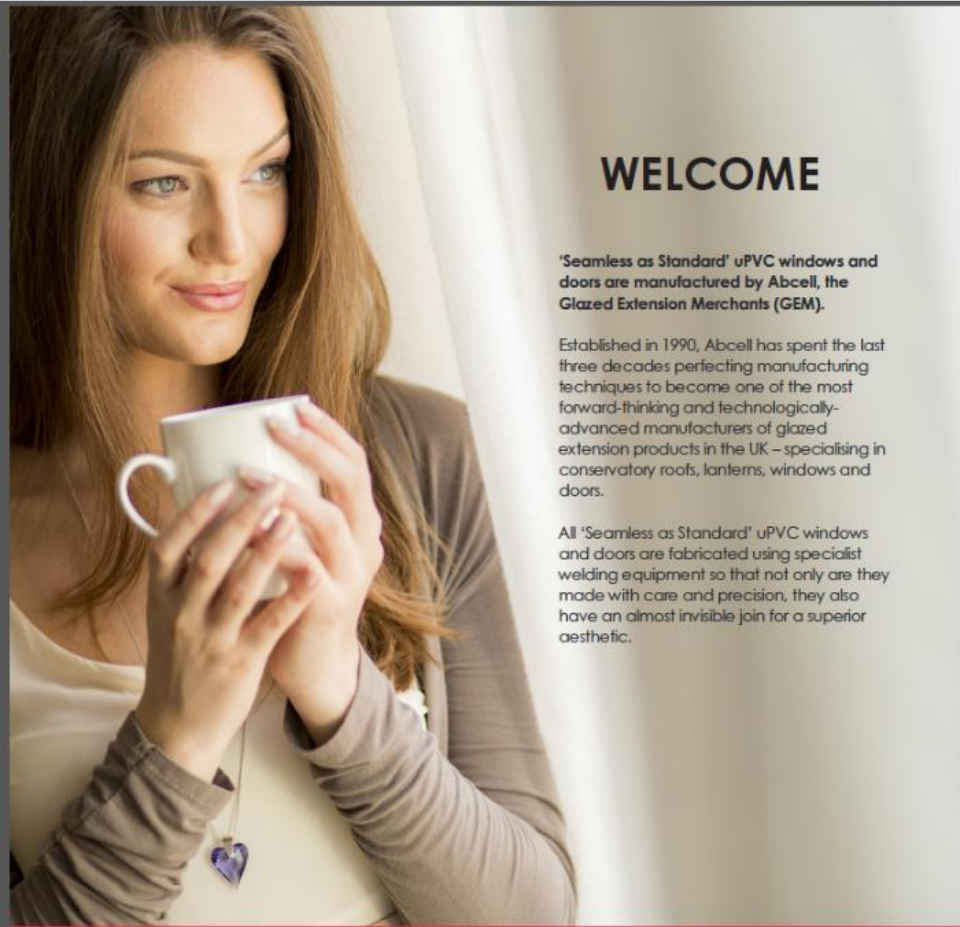
deceuninck

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January 2021

Document No:
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Heritage Flush Sash



WELCOME

'Seamless as Standard' uPVC windows and doors are manufactured by Abcell, the Glazed Extension Merchants (GEM).

Established in 1990, Abcell has spent the last three decades perfecting manufacturing techniques to become one of the most forward-thinking and technologically-advanced manufacturers of glazed extension products in the UK – specialising in conservatory roofs, lanterns, windows and doors.

All 'Seamless as Standard' uPVC windows and doors are fabricated using specialist welding equipment so that not only are they made with care and precision, they also have an almost invisible join for a superior aesthetic.



Seamless as Standard

When it comes to selecting the right uPVC products to enhance and protect your home, you want to be sure you're making the right choice. Beautiful, stylish and expertly made, our Flush windows and residential doors, and sculptured windows and French doors, strike the perfect balance between energy efficiency, security and design.

So, which is the right fit for your home?



FLUSH SASH

Flush casement windows are characterised by openers that close into the frame and finish flush with the face of the window to replicate timber-style windows.



SCULPTURED SASH

Sculptured sash windows feature a rounded finish and outward opening sashes, which stand proud of the face of the window frame and are the more typical style found in houses today.



What makes our windows so **unique?**

Seamless as Standard



STYLE

'Seamless as Standard' windows and doors combine the elegance and styling of traditional timber windows with all the benefits of uPVC. They are virtually maintenance free, keeping the warmth in and unwelcome visitors out.

The range is ideal for period properties and for those who want to add or restore character to their homes – as well as being equally suited for modern, contemporary homes. With unique, unrivalled aesthetics and sympathetic symmetrical design, a 'Seamless as Standard' window or door will give your home perfect balance and harmony.

SECURITY

There's no compromise when it comes to security as the bespoke locking keep has a useful night vent locking position.

Our wide range of modern, contemporary and period style windows incorporate the latest built-in safety features, including internal glazing beads and multipoint locking systems.

To provide enhanced resistance to forced entry, our windows can be fitted with a hinge protector device between the frame and the sash opener. For doors, the latest anti-bump, anti-snap, key locking cylinders can also be installed to further enhance performance.

PERFORMANCE

To keep out the wind and rain, we use our patented high-performance, multi-functional weatherseals. The airtight seal this creates helps to maintain your comfort inside your home.

The Flush sash dual seal is exceptionally watertight, with the added benefit of concealing any hardware. Any water that has found its way inside is quickly evacuated due to the intelligently designed integral drainage gutter.

CONSERVATION

Flush and Sculptured sash windows look great in any surrounding, from country cottages to modern townhouses. Their subtle charm and elegance will transform your home.

If you live in a Conservation Area, home improvements such as replacing your windows and doors will require planning consent as there are strict guidelines to ensure that architectural features are preserved.

'Seamless as Standards' windows & doors have been designed with this in mind; replicating the appearance and style of traditional timber windows with features such as our authentic woodgrain finish and Georgian Bar options. However, you should always obtain consent from a planning or conservation officer before proceeding with an installation.



SEAMLESS AS STANDARD WINDOWS & DOORS



FLUSH SASH WINDOW

Designed to replicate the appearance of timber, Flush sash windows are distinguished by sashes that close into the frame and finish flush with the face of the window. Flush sash windows typically have frames that appear the same width, known as 'equal sightlines'. This look is achieved using dummy sashes, something that undoubtedly improves the overall appearance of your property.



SEAMLESS AS STANDARD WINDOWS & DOORS



SCULPTURED SASH WINDOW

Sculptured sash windows feature outward opening sashes which stand proud of the face of the window frame and are the more typical style used in homes you see today. For that period property look, both Sculptured sash windows can also feature a dummy sash. This simple but effective upgrade to achieve 'equal sightlines' can really enhance the beauty of your home.



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:22/00056/dpp

Site Address: 1 Tipperwell Way, Penicuik

Site Description:

The application property comprises an end terraced two storey dwellinghouse and its associated garden located within a residential area. The house is finished externally in wetdash render with a slate roof and white timber framed windows.

The application property is located within the Howgate Conservation Area.

Proposed Development:

Installation of replacement windows

Proposed Development Details:

It is proposed to replace two windows at first floor level on the side of the property and one window at first floor level and one at ground floor level at the rear of the property with white upvc framed windows of a similar style to the existing windows.

The application form mentions the replacement of the patio doors at the rear also however this is not indicated on the submitted photos although it is stated that they would be replaced on a like for like basis albeit with upvc frames.

Background (Previous Applications, Supporting Documents, Development Briefs):

History sheet checked.

19/00326/dpp - Extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way – approved subject to conditions including that the proposed upvc replacement windows on the front of the building were not approved. Condition upheld at Local review Body on grounds of the individual circumstances of the proposal and, the unacceptable visual impact of the proposed replacement windows in the front elevation of the dwellinghouse and the unacceptable visual impact of these windows on the conservation area. The windows proposed on the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017, therefor condition 2 is retained.

In support of the application the applicant states that the current window frames have areas of rot, cracked wood work and paint and are poorly insulated. It is also stated that the property is exposed to the elements and that the timber frames are unable to cope with the harsh weather conditions, thus the need to replace with upvc equivalent.

Consultations:

None required.

Representations:

Four representations have been received in relation to the application one neither objecting to or in support and the other three in support nor are summarised as follows:

- Changes suggested if upvc is to be approved in order to get a better match, including the use of mock sashes, square profile window frames noting that 1 Tipperwell Way is a prominent building in the site context of the Tipperwell Way development and, as such, it is considered that all elevations should be regarded with equal importance (except perhaps for the ground floor rear elevation which is screened by fencing).
- Many residents in Tipperwell Way have problems with the existing wooden window frames with maintenance being difficult.
- uPVC windows will provide significant improvements in energy efficiency, lower maintenance, better durability and weather resistance and is more sustainable than replacing with wooden windows which currently have not lasted 15 years.

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The relevant policies of the **Midlothian Local Development Plan 2017** are;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

Albeit the house is of relatively recent construction the timber frames of the windows are in keeping with the traditional finishes used on the houses at Tipperwell Way. In general the use of uPVC fenestration is not encouraged within conservation areas. All of the dwellings at Tipperwell Way appear to have timber framed fenestration of a similar design which contributes towards the character of this part of the conservation area. The use of white uPVC fenestration, in particular on the publicly visible side elevation and at first floor level on the rear elevation is out of character for the immediately surrounding area and will result in a negative visual impact on the dwelling and conservation area. Also the existing larger windows appear to comprise of two opening lights with a slim central timber mullion. This detail is not replicated on the proposed replacement windows with one fixed pane and one opening light with the windows having a different profile to existing. It is unlikely that the slim mullion detail could be replicated in upvc.

It is the property owner's responsibility to maintain the window frames and there is no reason that timber window frames per se which have been properly manufactured, fitted and maintained cannot be energy efficient and last for years. Historic Environment Scotland's guidance for homeowners' states that many timber windows in Scotland are in their second century and that modern plastic units may well end up in landfill after just 20 years.

In relation to the application at no. 17 it was noted in the case officer's report that upvc framed windows had been installed at some of the older properties in Howgate specifically nos 6, 20, 22 and 25 Howgate however there was no record of planning permission having been granted for these back to 1975 and as such they should not be considered to set a precedent for upvc windows at Tipperwell Way.

Also in relation to the application at no. 17 it should, be noted that the proposed window did not match the design of the original windows. In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, a condition was prepared for the consideration of the LRB if it was minded to uphold the review and grant planning permission that whilst allowing upvc frames the design of the replacement windows proposed on the front elevation of the application property should match that of the existing windows which they are to replace. However as noted above the Local review Body decided to uphold the original condition i.e. not allowing upvc frames whether of a matching design or not.

Recommendation:

Refuse planning permission

Reg. No. 22/00056/DPP

Dr Amy Fraser
1 Tipperwell Way
Howgate
Penicuik
EH26 8QP

Midlothian Council, as Planning Authority, having considered the application by Dr Amy Fraser, 1 Tipperwell Way, Howgate, Penicuik, EH26 8QP, which was registered on 10 February 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of replacement windows at 1 Tipperwell Way, Penicuik, EH26 8QP

in accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	10.02.2022
Illustration/Photograph		10.02.2022
Illustration/Photograph		10.02.2022
Illustration/Photograph		10.02.2022

The reason(s) for the Council's decision are set out below:

The windows proposed on the side elevation and at first floor level on the rear elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.

Dated 29 / 3 / 2022



.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison
Direct Telephone: 01623 637 119 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2021 until 31st December 2022

Appendix E



Rear kitchen
window

Rear bedroom
window

Side en-suite
window

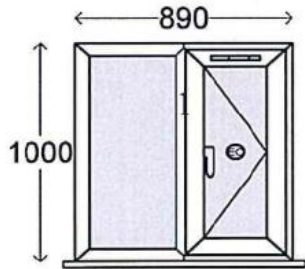


Side bedroom
window



Existing timber frame kitchen window to rear of house, on ground floor.
South West facing.
Proposed replacement details below.

O/A Sizes 890mm x 1030mm (25)



Specification

Frame (Head)	LSW011 57mm Sculpt Frame
Frame (Cill)	LSW011 57mm Sculpt Frame
Mock sash horn	No mock sash horn
Mullion	LSW021/022 67mm T/Z Sect
Cill	LSL150 150mm Cill
Drainage	Concealed/Base
Add-on (Head)	No add-on
Add-on (Cill)	No add-on
Add-on (Left jamb)	No add-on
Add-on (Right jamb)	No add-on
Ventilator (Sash)	2000 Night Vent
Colour	White
Sash colour	White
Handle	Chrome Casement Handle
Friction stay	Easy-Clean Stays
Open in/out	Open out
Product WER Rating	Casement A

BFRC Rating

A

U Value

1.3

Glazing Details & Apertures

4-20-4 Clear/Low E : 20mm Thermal Spacer

Argon Gas Filled

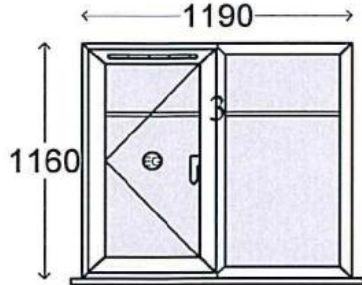
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Existing timber frame bedroom window to rear of house, on first floor.
South West facing.
Proposed replacement window details below.

O/A Sizes 1190mm x 1190mm (25 [R

Specification



Frame (Head)	LSW011 57mm Sculpt Frame
Frame (Cill)	LSW011 57mm Sculpt Frame
Mock sash horn	No mock sash horn
Mullion	LSW021/022 67mm T/Z Sect
Cill	LSL150 150mm Cill
Drainage	Concealed/Base
Add-on (Head)	No add-on
Add-on (Cill)	No add-on
Add-on (Left jamb)	No add-on
Add-on (Right jamb)	No add-on
Ventilator (Sash)	4000 Night Vent
Colour	White
Sash colour	White
Handle	Chrome Casement Handle
Friction stay	Egress Easy Clean Stays
Open in/out	Open out
Product WER Rating	Casement A

BFRC Rating
A

U Value
1.3

Glazing Details & Apertures

4-20-4 Clear/Low E : 20mm Thermal Spacer 4207 Plant On Bar Back to
Back Spacer White Std Join Argon Gas Filled *** Edit this new ex

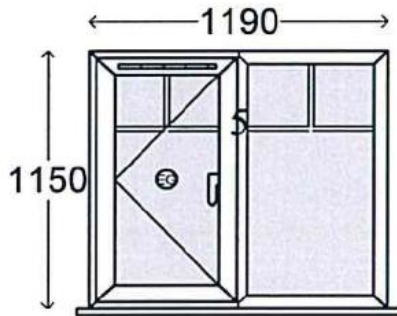


Existing timber frame bedroom window to side of house, on first floor.

North West facing.

Proposed replacement window details below.

O/A Sizes 1190mm x 1180mm (25 [R



Specification

Frame (Head)	LSW011 57mm Sculpt Frame
Frame (Cill)	LSW011 57mm Sculpt Frame
Product WER Rating	Casement A
Mock sash horn	No mock sash horn
Mullion	LSW021/022 67mm T/Z Sect
Cill	LSL150 150mm Cill
Drainage	Concealed/Base
Add-on (Head)	No add-on
Add-on (Cill)	No add-on
Add-on (Left jamb)	No add-on
Add-on (Right jamb)	No add-on
Ventilator (Sash)	4000 Night Vent
Colour	White
Sash colour	White
Handle	Chrome Casement Handle
Friction stay	Egress Easy Clean Stays
Open in/out	Open out

Glazing Details & Apertures

4-20-4 Clear/Low E : 20mm Thermal Spacer 4207 Plant On Bar Back to
Back Spacer White Std Join Argon Gas Filled *** Edit this new ex

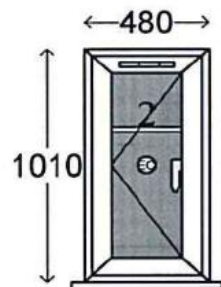


Existing timber frame en-suite window to side of house, on first floor.

North West facing.

Proposed replacement window details below.

O/A Sizes 480mm x 1040mm (3)



Specification

Frame (Head)	LSW011 57mm Sculpt Frame
Frame (Cill)	LSW011 57mm Sculpt Frame
Mock sash horn	No mock sash horn
Cill	LSL150 150mm Cill
Drainage	Concealed/Base
Add-on (Head)	No add-on
Add-on (Cill)	No add-on
Add-on (Left jamb)	No add-on
Add-on (Right jamb)	No add-on
Ventilator (Sash)	2000 Night Vent
Colour	White
Sash colour	White
Handle	Chrome Casement Handle
Friction stay	Easy-Clean Stays
Open in/out	Open out
Product WER Rating	Casement A

BFRC Rating

A

U Value

1.3

Glazing Details & Apertures

4-20-4 Obs/Low E : 20mm Thermal Spacer Cotswold 4207 Plant On Bar
 Back to Back Spacer White Std Join Argon Gas Filled *** Edit
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